

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

JASON KYLE TARRENCE SHANLEY,

Plaintiff,

v.

CASE NO. 19-3147-SAC

BRYAN COX, DAVID HAMILTON,
RICK HEINRICH, and TIM HOESLI,

Defendants.

MEMORANDUM AND ORDER

This matter is a civil rights action filed under 42 U.S.C. § 1983. Previously, the Court stayed this matter pending the resolution of the state criminal actions against him.

Plaintiff moves to amend the complaint to add a defendant. Plaintiff is entitled to amend the complaint once as a matter of course. See Fed. R. Civ. P. 15(a)(1) (a party has the right to amend the complaint once as a matter of course if the amendment is timely filed. See also D. Kan. R. 15.1(a)(2) (party filing a motion to amend must attach the proposed pleading).

Plaintiff's amended complaint must be submitted upon court-approved forms. In order to add claims or significant factual allegations, or to change defendants, a plaintiff must submit a complete amended complaint. See Fed. R. Civ. P. 15. An amended complaint is not an addendum or supplement to the original complaint but completely supersedes it. Therefore, any claims or allegations not presented in the amended complaint are no longer before the Court. Plaintiff may not simply refer to an earlier pleading; instead, the complaint must contain all allegations and claims that plaintiff

intends to present in the action, including those to be retained from the original complaint. Plaintiff must include the case number of this action on the first page of the amended complaint.

Plaintiff must name every defendant in the caption of the amended complaint. See Fed. R. Civ. P. 10(a). He must refer to each defendant in the body of the complaint and must allege specific facts that describe the allegedly unconstitutional acts or omissions by each defendant, including dates, locations, and circumstances.

IT IS, THEREFORE, BY THE COURT ORDERED plaintiff's motion to amend (Doc. 5) is granted.

IT IS FURTHER ORDERED plaintiff shall submit the amended complaint on or before **November 22, 2019**, and shall submit a status report concerning his criminal cases on or before **December 20, 2019**.

IT IS SO ORDERED.

DATED: This 25th day of October, 2019, at Topeka, Kansas.

S/ Sam A. Crow
SAM A. CROW
U.S. Senior District Judge